FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

DISTRICT :

WRIT PETITION NO.8008 OF 2006

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr.G.V. Murti i/b. M/s. Murti & Associates for the Petitioner.

Mr.A.J.Bhor for Respondent No.1.

CORAM : S.J.VAZIFDAR, J.
DATED : 29TH JANUARY, 2007

P.C :

The impugned order warrants no interference.

2. The learned Judge correctly dismissed the Appeal for non-compliance with the mandatory provisions under section 217(2)(d) of The Mumbai Municipal Corporation Act, 1888. Mr.Murti was unable to challenge this finding.

3. He however contended that the demand itself is wrongful and

contrary to law. He relied upon a judgment in the case of *Chemtex Engineering of India Ltd. v. Municipal Corporation of Greater Bombay & Ors., 2005(2) Bom. C.R., 320.* That however was in a petition under Article 226 of the Constitution of India. In the present assignment however, I am concerned only with proceedings under Article 227 of the Constitution of India. The Petitioner is always at liberty to challenge the notices under Article 226, if they so desire.

4. The Writ Petition is accordingly dismissed.